



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, MONDAY, MAY 14, 2018

No. 78

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 15, 2018, at 12 p.m.

Senate

MONDAY, MAY 14, 2018

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, enable us to fill swift hours with mighty deeds, bearing the fret of care, the sting of criticism, and the challenge of unapplauded toil.

Lord, empower our lawmakers to think clearly, act kindly, and labor to preserve the freedoms we enjoy.

Thank You for crowning us with glory and honor because we belong to You and trust in Your steadfast love. Lord, teach us to walk blamelessly, speaking the truth from our hearts and living with integrity.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael Y. Scudder, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The Senator from Utah.

70TH ANNIVERSARY OF THE ESTABLISHMENT OF THE STATE OF ISRAEL

Mr. HATCH. Mr. President, as President pro tempore of the U.S. Senate, I ask my colleagues to join me in marking a special day. Exactly 70 years ago today, the State of Israel was established. On the same day, the United States was the first country to recognize Israel's statehood. I applaud President Trump's decision to commemorate this historic anniversary with the opening of the U.S. Embassy in Jerusalem.

In the 70 years since its founding, Israel has shared an unbreakable bond with the United States. I am pleased to be a friend of Israel's and to have played an integral role in strengthening relations between our two countries.

It is difficult for me to express the profound reverence I have for the Jewish people. As a symbol of my respect, I wear a mezuzah around my neck and have done so every day for almost four decades—I think, actually, for more

than four decades. The mezuzah reminds me of the affinity I, as a member of the Mormon faith, hold for the Jewish people and their history. Both Israel and Utah were settled by religious minorities who sought refuge from persecution—a shared history that deepens our devotion to democracy and our love of freedom.

Although my schedule does not allow me to be in Israel today, perhaps it is even more appropriate that I make these remarks here rather than in Jerusalem, where I would like to be. After all, today should be seen as an American holiday just as it is an Israeli one. America's interests, prosperity, and security have benefited immeasurably from our deep friendship with the State of Israel. Indeed, the world is a much better place because of Israel, and it is high time the country received its fair treatment on the world stage. That is why, last week, I joined Senator BOOKER in introducing legislation that calls for the fair treatment of Israel and urges other nations to foster diplomatic ties with the country and recognize its sovereignty.

Israel desperately needs allies. Indeed, the events of last week are a stark reminder that Israel has many enemies that seek its destruction. The Iranian Government directed missile strikes into the Golan Heights in the early hours of the morning last Thursday. Just hours before, the Iranian Government announced it may explore enriching uranium toward acquiring nuclear weapons. I know the Golan Heights. I have been there. I have looked over the Golan Heights.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S2633

We stand at a historic crossroads. Whatever your ideas about the Iran deal, whether you were for it or against it, we should remember the goals and ideas of the Iranian Government have not changed. They are, as they have been for the last several decades, aimed at the destruction of Israel.

Our Israeli friends need our help. So my message today is to the American people, to their Representatives in both Chambers of Congress, and to all the nations of the world. Now is not the time for partisanship or political games. Now is the time for meaningful and unified action in defense of the Jewish people and the State of Israel.

That means a number of things. It starts with all of our getting behind this President and his new approach to Iran. We can have our disagreements on his policies in other areas, but taking an aggressive, holistic posture on Iran should be a bipartisan issue. We must be willing to confront Iran on its nuclear program as well as on its bases in Syria, its support for terrorism, and its numerous violations of human rights and religious freedom. Here in Congress, we should support the administration's position through legislation.

To that end, I invite my colleagues to join me on a number of initiatives I have championed this Congress, including the Continued Support for the Iranian People Act, which holds the Iranian regime responsible for its human rights abuses. I also call on my friends to join me in supporting the Iranian Leadership Asset Transparency Act, which exposes the hypocrisy of the Iranian Government in its funding of violent causes rather than in its providing for the welfare of its people.

These actions are just the beginning. We now have an opportunity to hold the Iranian Government accountable. We should start with curbing Iran's nuclear ambitions. We would do well to remember that Iran's nuclear program is not an end in itself but just one of many tools the government has at its disposal for causing great harm.

In that light, we need to appeal to our partners in Europe and in the Middle East to not only settle on talking points but on plans of action. If, indeed, we share the priority of protecting democratic values and institutions, we must do so by protecting Israel—a beacon of democracy in the Middle East. We need to both talk the talk and walk the walk.

The world is a different place from what it was in 1948, and so is Israel. Today, Israel is on the cutting edge of every innovation that helps the human condition—from medicine to technology, to irrigation. As a testament to Israel's strength, it has nurtured partnerships across the Middle East, Africa, and Asia.

The United States must continue doing its part to foster these partnerships. Just as important, we must continue leading the charge in ideas and actions that can help bring about a se-

cure Israel. The task has never been more urgent. I call on my colleagues in the Senate to come together on this—to build a future of peace and prosperity for Israel and its neighbors. Let Israel's founding be a holiday for us and, indeed, for all nations of the world, and let us pray that we can soon celebrate this anniversary in more peaceful times.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICE WEEK

Mr. BOOZMAN. Mr. President, this is National Police Week, a time for recognizing the men and women in law enforcement who serve and protect our Nation. National Police Week is a solemn occasion to honor those who tragically lost their lives while serving in the line of duty. The names of those men and women are carved on the walls of the National Law Enforcement Officers Memorial.

Each year during this week, families and colleagues of the fallen travel to our Nation's Capital for this special commemoration. This year, 360 names will be added, including four officers who served the citizens of Arkansas. We remember Arkansans whose names are newly etched onto the walls of this treasured memorial. I would like to recognize these heroes.

Drew County Sheriff's Deputy Timothy Braden gave his life while serving and protecting the citizens of Arkansas. Deputy Braden, unfortunately, passed away in a car crash after attempting to stop a vehicle whose driver had refused to stop, leading him on a high-speed chase.

Deputy Braden had recently joined the Drew County Sheriff's Office after serving 3 years at the McGehee Police Department. His commitment to enforcing the law, helping those in need, and protecting the community touched the lives of those with whom he served. They will remember him as a kind and hard-working officer who performed his job with a positive attitude.

Lieutenant Patrick Weatherford of the Newport Police Department had responded to a call of a vehicle break-in when he was fatally shot. He had proudly served in law enforcement for 15 years. Throughout his time in uniform, he continued to pursue opportunities to better serve the community. He was a 2016 graduate of the FBI National Academy and was working toward a master's degree in criminal justice.

I would also like to honor the dedication and service of Kevin Mainhart, a Yell County Sheriff's deputy. He was responding to a domestic disturbance call and initiated a traffic stop of a vehicle connected to the situation when

he was fatally shot. Deputy Mainhart had spent more than 20 years serving and protecting Arkansas communities in law enforcement and was a veteran of the Air Force.

The selfless service of Keith Bradford, Sr., Turrell police chief, is also worthy of recognition. The chief is one of 231 members of the law enforcement community who died in a previous year, but his sacrifice will be documented on the memorial this year.

Chief Bradford helped launch the law enforcement agency in 2012. In 2014, he responded to a call to assist officers from another local jurisdiction with a high-speed chase. He checked the safety of the officers, but according to a police report, Chief Bradford was left shaken. Hours later, he suffered a fatal heart attack. Chief Bradford had dedicated more than 20 years of his life to law enforcement.

Each of these officers demonstrated courage and determination in the face of danger. These heroes, like all members of the law enforcement community, commit their lives to protecting the public. In their profession, there is no such thing as an off-duty officer. Answering a call for help is ingrained in who they are.

As a member of the Senate Law Enforcement Caucus, I am committed to providing our first responders with tools, resources, and training to help them prepare for unpredictable circumstances. These men and women are brave and selfless heroes who risk their lives every day to keep our communities safe.

This Congress, I was proud to cosponsor the Honoring Hometown Heroes Act to give their home States the opportunity to provide a fitting tribute for their service, should they make the ultimate sacrifice. This bill would allow Governors to order the American flag to fly at halfstaff in recognition of first responders who are killed in the line of duty. Those who are called to serve and protect have earned this honor.

I am pleased that it was included as a provision in the Bipartisan Budget Act of 2018 that was signed into law earlier this year. We can all agree that these courageous first responders deserve this powerful acknowledgement in recognition of their sacrifice.

On behalf of all Arkansans, I thank law enforcement officers at the local, State, and Federal levels for all they do to keep us safe. We appreciate your dedication and the heroism you display each and every day. Thank you for doing whatever it takes to protect and serve your families, neighbors, and fellow citizens.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, a little later this afternoon, we are going to have votes on the confirmation of two judges to serve on the Seventh Circuit Court of Appeals. The vote will be on the confirmation of Amy St. Eve and Michael Scudder to fill these Illinois seats. They are two outstanding nominees, and I am proud to support both of them.

NOMINATION OF AMY ST. EVE

Amy St. Eve is a native of Belleville, IL. She was valedictorian of her class at Belleville West High School. She received degrees from Cornell University and Cornell Law School, where she served on the Law Review.

After law school, she worked for stints in private practice, as an in-house counsel, at the Office of Independent Counsel, and as an assistant U.S. attorney for the Northern District of Illinois.

In 2002, she was nominated for the Federal district court in Chicago with my support and the support of Republican Illinois Senator Peter Fitzgerald. She was confirmed by a voice vote.

During her 16 years on the Federal bench, Amy St. Eve has handled thousands of cases and has personally presided over 120 trials. Judge St. Eve has an outstanding reputation as a judge. She shows up early. She works hard. She knows the law. She runs her courtroom efficiently. She is respected by the litigants and her fellow judges as one of the best trial judges in Illinois, if not in the Nation. For years, I have heard praise for her from across the political spectrum.

Whenever someone comes before me who has practiced in the Federal courts of Chicago, I make it a practice to ask them: Who do you think are the best judges on the Federal bench? Without exception, I can tell you that Amy St. Eve's name is always mentioned—always. That is no exaggeration.

It is a little bittersweet to see her leave the district court bench, but she has the qualifications and judgment to step up and be an outstanding member of the Seventh Circuit. I am honored to support her nomination.

I congratulate her and her family—her husband, Howard, and her children, Lauren, Emily, and Brett—on this important day in the Senate.

Michael Scudder was born next door to Illinois, in Indiana. He received his undergraduate degree from St. Joseph's College. After working for several years as an accountant, he attended Northwestern Law School, where he earned his J.D. After law school, he clerked for Judge Paul Niemeyer of the Fourth Circuit and then for Supreme Court Justice Anthony Kennedy. Mr. Scudder then worked for several years in private practice and as an assistant U.S. attorney in the Southern District of New York. In 2006, he began working as a counselor in the Office of the Deputy Attorney General, and in 2007, he moved to the White House, where he

became general counsel of the National Security Council. In 2009, he returned to private practice at the law firm Skadden, Arps, where he has worked until this day.

Mr. Scudder has made a name for himself in the Chicago legal community for his commitment to pro bono work and for his efforts to encourage other lawyers to make public service and pro bono a significant part of their legal career. He has won several awards for his pro bono efforts, including from Northwestern Law School and from the District Court for the Northern District of Illinois.

Mr. Scudder is well respected across the political spectrum, and he has the experience, the integrity, and the judgment to be an outstanding Federal judge. I congratulate him, his wife, Sarah, and their children, Erin, Michael, Margaret, and Nicholas, on this occasion.

It is an honor to speak on behalf of these two Illinois nominees who have been rated unanimously well qualified by the American Bar Association.

Let me comment for a moment on the process that led us to this moment. If anyone follows the judicial nominations before the Senate, they may find it unusual that Democratic Senators like myself and, I might add, Senator DUCKWORTH, who joins me in praising these two nominees, are standing here before the Senate, before a vote, and saying that we worked with the Trump White House and the blue-slip process—and did it successfully—to come up with two outstanding nominees. I want to comment briefly on how we did it.

Both nominees received blue slips—approval slips—from the individual Senators in their State, from both Senator DUCKWORTH and me. The White House engaged in good-faith negotiations over these vacancies. They respected the tradition that we had established in Illinois of having an expert screening committee review all candidates. The process resulted in the selection of these two excellent nominees, whom all sides agreed upon. We made it clear to the White House—both Senator DUCKWORTH and I—that we were not going to drag out this process; we would have a timely review of each nominee, our committee would give its recommendation, and we would be back in touch with the White House in a timely fashion. That is how the process has worked in the past, and that is how it should work with this President when it comes to these two circuit court nominees.

When blue slips and home-State judicial screening commissions are respected, we end up with consensus, highly qualified nominees. Yet there are many in Republican circles here in Washington who have decided that they want to jettison blue slips, ignore that tradition, and basically ignore home-State screening commissions. That is the wrong step as far as Senator DUCKWORTH and I are concerned. We showed good faith—and so did the

White House—in coming up with these two fine nominees.

Recently, Senator BALDWIN of Wisconsin and her bipartisan screening commission were dealt out of the process that led to the confirmation vote last week of Seventh Circuit Wisconsin nominee Michael Brennan. And now Republicans are pushing forward with an Oregon Ninth Circuit nominee, Ryan Bounds, over the objections of both Oregon Senators after Mr. Bounds failed to disclose controversial writings to the screening committee in Oregon.

I hope my Republican colleagues in the Senate—who are now in the majority, with a President of their own party, and are now feeling their oats and deciding they want to push aside the traditions of the Senate—will stop and reflect for a moment. Isn't it better that we show mutual respect for one another when it comes to the blue-slip process?

There have been times in the past when Senators from various States did not give approval for nominees, and sometimes those vacancies went on for years. Nevertheless, Democrats in the same position respected the blue-slip process. I think the Republicans should do the same.

As Senators, we have a fundamental responsibility to the people we represent when it comes to the selection of Federal judges. Long after many of us are gone, these judges will still be serving in the Federal judiciary. We must exercise a vigorous advice-and-consent role for these members of the Federal judiciary who will sit in court-houses in our states.

It should concern all of us if any Senator is dealt out of the judicial selection process in their State. None of us want that to happen to us as individuals or to the constituents we represent.

By confirming Michael Brennan and pushing the nomination of Ryan Bounds, some in this Chamber are sending a clear signal that home-State Senators and, more importantly, the people they represent aren't going to matter anymore in the judicial selection process. That is a terrible path for the Senate to pursue.

We are at a critical moment in the Senate history when it comes to judicial nominations. Senate traditions like blue slips and home-State screening commissions have worked well for decades to build consensus and produce high-quality nominees, no matter which party is in power. Abandoning these traditions for the heady moment we might have politically will diminish the advice-and-consent role of the Senate and provide more power to the executive branch over our own U.S. Senate.

I hope there are at least a few Republicans on the Senate side who will stop their party from going down this road of abandoning blue slips and home-State screening commissions. We

should have mutual respect for one another professionally, even when we disagree politically. All it would take is for a handful of Republican Senators to stand up and say: We are going to defend these traditions. We believe the traditions are worth defending.

In closing, I will say that Amy St. Eve and Michael Scudder are outstanding nominees who were selected through a process of good-faith negotiations and timely decisions, and one that respected the Senate's traditions and home-State interests. If that process becomes an exception rather than the norm, all of our home States, the quality of our Federal judiciary, and the institution of the U.S. Senate will suffer.

Let me close by saying that these two nominees are two of the best. I knew one of them from her 16 years of service on the bench and the other from recommendations given to us by many who practiced with him over the years. I have confidence that they will do a fine job on this circuit court bench. I may not agree with all their decisions, but I will respect them as a man and a woman who have come to this professional responsibility with an understanding of their constitutional responsibilities to the United States, to the State of Illinois, and to this circuit.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICE WEEK

Mr. PORTMAN. Madam President, this afternoon, I wish to talk about the brave men and women in law enforcement who are protecting us every single day. I am from Ohio. We are proud of our Ohio law enforcement. We are proud of the leadership that many Ohio law enforcement have had at a national level over the years. In fact, right now, the vice president of the Fraternal Order of Police is an officer from Marion, OH.

Unfortunately, in Ohio we have had some tragic incidences over the past several years of law enforcement officials doing their job and coming into a dangerous situation—injuries, shootings, and even the loss of the lives of several officers earlier this year.

This week is called Police Week. It is the week in which we take a moment to stop and remember those officers and talk about them.

Today, I join my colleagues here in the Senate in cosponsoring legislation that is a resolution that commemorates this week as Police Week. Although every single day we should be grateful to those police officers who are out there in the Buckeye State—my home State—and others, this week

is the time to really focus on them, to focus on the sacrifices and reflect on their bravery, what they do every day in committing themselves to protecting our communities, often risking their own safety to protect others. Sometimes we talk about this as the thin blue line, which is that thin blue line between chaos and order. They are those police officers on that thin blue line—the men and women in blue—who are out there, protecting us from that chaos.

Police officers are driven by a dedication to justice and a sense of duty to protect those in need. The police officers whom I know have big hearts. They are compassionate. I sometimes tell them they are as much social workers as police officers because of the work they do. This is particularly true with the opioid crisis and the number of police officers who are engaged in that issue—in trying to get people into treatment, in trying to deal with the problem that, in my State, is out of control.

The No. 1 cause of crime in our communities is the opioid crisis. Typically, it is somebody who is committing a crime—whether it is a burglary or fraud or shoplifting—to pay for a drug habit. Police officers are often in a position in which they need to step in and provide law enforcement but also to aid in getting people the help they need.

Let me give a specific example of what I mean when I say that police officers put themselves on the line for us constantly. Over the weekend, I received a call—or an email—on Saturday about a police officer in Ohio who was injured in the line of duty. He is a Franklin County deputy. I am not going to use his name tonight because, for privacy purposes, his name is not out there, but he is a good example of what happens virtually every day in communities around the country.

He was pulling somebody over for a traffic citation, for a traffic violation. He was running the tag, and he noticed that the person was wanted for violating a protection order after a domestic assault charge. The person didn't pull over. In fact, the car led the officer on a very dangerous police chase through the streets of Franklin County, which is near Columbus, OH. Finally, the chase ended when the suspect's car crashed. Luckily, he didn't kill anybody else when he crashed that car. Then a shoot-out ensued, and in that shoot-out, the police officer was injured. He did return fire, and when he returned fire, the suspect was shot and killed. This deputy has been treated in a hospital for his injuries. He is now listed in stable condition, thank God.

This just happened last weekend. Again, it is an example of what the men and women in blue confront every single day. We are grateful for the bravery and quick action of that Franklin County deputy. I am also encouraged about what we are hearing about the deputy's condition as of this afternoon. We send him our prayers.

This was just one example. Sadly, in many cases around the country, unfortunately, these officers are making the ultimate sacrifice in the line of duty.

In Akron, OH, just last week, the FOP Lodge No. 7 held its annual memorial service for 26 Akron police officers who have given their lives. There are a few hundred people there, as I understand it, who provide a commemoration of this event every year. I appreciate that they do that. There will be similar memorials and moments of remembrance across the country this week. Of course, there is a big one here in Washington, DC. Sadly, in my home State of Ohio, we have no shortage of police officers whose bravery deserves more than we can ever do to repay it.

Earlier this year, there were two heroic Ohioans who lost their lives in the line of duty. On Saturday, February 10, Westerville, OH, police officers Anthony "Tony" Morelli and Eric Joering were both fatally shot. They were responding to a 911 call—again, for domestic assault. They arrived and were immediately shot at. These were two amazing officers. Tony Morelli was a 29-year veteran at the Westerville Police Department. Eric Joering was a 16-year veteran. He was also a K-9 officer who partnered with his dog, Sam.

Both of these men were beloved and respected by members of the Westerville community. I had the opportunity to meet with some of their fellow officers and colleagues and to talk with them about these men and what they were like. What kept coming back was their incredible sense of public service and great senses of humor. They knew what they were doing was dangerous; yet they felt strongly about doing it and being dedicated to it.

I also had the opportunity to meet with the officers' wives and kids and families to be able to express our thanks from all of us for the service that their husbands and fathers had given. On behalf of this body, I presented both families with flags that had been flown over the U.S. Capitol in honor of their courage and their sacrifice while protecting the people of Ohio.

These families, like other police families I have gotten to know over the years, are just amazing. Their strength is inspiring. In their grief—and it is profound grief—they also told me how proud they were of the service these men performed for all of us and said that these two officers wouldn't have had it any other way. They wanted to be police officers.

The dangers law enforcement officers face have increased in the past few years with the deepening of the opioid crisis and specifically with the growing influx of synthetic opioids, like fentanyl. Let me give one quick example of this.

East Liverpool has a police officer named Chris Green. Last year, Officer Green pulled a car over. There were two people in the car. He pulled up and noticed some white, powdery substance. Fortunately for him, he had

put on gloves and a mask. He realized that this substance was fentanyl, which, by the way, is 50 times more powerful than heroin. He booked them and took them down to the station. While he was down at the station, he looked at his shirt and he saw a couple of flecks of something, a few white flecks on his shirt. So, as anybody might do, he reached over with his hand, like this, and just brushed these flecks off his shirt. Unfortunately, the flecks were fentanyl. Three flecks touched his skin. He immediately overdosed. He was unconscious on the floor. He was given Narcan not once, not twice, but four times. He was taken to the hospital and finally woke up at the hospital. He is a big guy, by the way, and is in good shape. That shows how powerful and deadly these drugs are.

That is a danger our police officers are running into every day. His police chief said he would probably have not made it if they had not been there, because he had overdosed right there in the police station, but they had gotten him to the emergency room. Think if he had gone home after not having brushed off those flecks and had hugged his kids. That is what our police officers go through every single day.

The incredibly dangerous nature of these drugs threatens not only police officers, of course, but other first responders who come into contact with these deadly substances. It also threatens the K-9 sniffing dogs, the drug sniffing dogs, that come into contact with it. That is one reason we have to pass the STOP Act, by the way, and do other things that law enforcement strongly supports to stop some of this poison from coming into our communities.

Law enforcement officers share an unbreakable bond. In response to the tragic deaths of Officers Morelli and Joering, the police community and the people of Central Ohio—frankly, across the Nation—have stepped up in big ways to support and assist these two families with a beautiful parade in downtown Columbus and a lot of support for the kids. That is exactly the way it should be.

We hold these families up in prayer, like those 26 officers remembered in Akron, like the Morellis and the Joernings. We take a moment this week to reflect on the sacrifices police officers and their families make on a daily basis for all of us.

I am honored to be here on the floor this evening to thank these police officers and their families. I look forward to seeing them here in Washington this week and in letting them know that, in this Chamber, in this Congress, and in this country, we appreciate what they do, that we are grateful for their service, and that we understand their sacrifices.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

WELL WISHES FOR HARRY REID AND FIRST LADY MELANIA TRUMP

Mr. SCHUMER. Madam President, first, I recently heard that my dear friend Harry Reid has just gotten out of an operation to treat pancreatic cancer. I have spoken to his family, and it seems that everything went very well with the operation. The doctors say pancreatic cancer is not a great thing, but given that the operation couldn't have gone much better, we are all praying for Harry's speedy recovery. Harry is a fighter literally and figuratively. I know he is going to approach his recovery with the same energy and tenacity and resolve that defined his public life. We all send our prayers to him. We also wish a speedy recovery to the First Lady, who underwent a medical procedure today as well.

TRADE WITH CHINA

Madam President, an area in which the President and I have mostly agreed is on trade with China. I have given him a pat on the back for his stance so far. I have praised the administration vocally and forcefully for its efforts in addressing China's intellectual property theft and extortion—its unwillingness to let our best products be sold in their country, in their huge market, unless we give them our family jewels, that of how we do things, of how we invent things.

The President was right, and so many of us breathed a sigh of relief when he started an investigation into China's theft of our intellectual property. The administration was right to threaten tariffs and investment restrictions to get China to the negotiating table. Its reaction to what happened with the recent telecom company ZTE shows that when you are tough with China, it really reacts.

China is rapacious about trade, particularly about intellectual property. To gain access to China's markets, American companies are forced by China's Government into deals in which they must turn over their most valuable job-creating intellectual property to Chinese competitors. China's state-backed companies try to steal intellectual property from American companies outright. It is wrong and is anathema to the American way.

Four-star Gen. Keith Alexander, Retired, has said that China's theft of intellectual property has been the "greatest transfer of wealth in history." That just eats at me. It eats at me. That is American jobs; that is American wealth, American innovation, of which we are all so proud, being stolen—there is no other word—by China, and it hurts us.

There is one example that hits home to me. I was in Albany this morning. One of our biggest employers is GE, which makes steam turbines. GE employs thousands of people in good-paying jobs. It is one of the big manufacturing sites left in Schenectady. A few years back, it signed one of these 5149s. China wouldn't let it sell the turbines in China, and it is a huge market. So it

signed one of these things to make them in China—a 5149 with a Chinese company that clearly the government's tentacles are in.

It is great for GE's CEO. I liked him, and he was my friend, but I so objected to what he did here. GE makes good profits on those sales because it gets an exclusive contract on the right to sell for a few years, but then China will have stolen the amazing GE technology that allows its turbines to be the best in the world, to spin fast without overheating, and those jobs are gone. That story can be repeated over and over and over again.

So I thought, good for President Trump for finally getting serious about this calamity. I noted that my views on China and how we deal with it economically are closer to President Trump's than to President Bush's or President Obama's, both of whom I thought were far too soft. He acknowledged that in a little note he sent to me because he saw it in one of the newspapers he reads. Yet, now, disappointingly—maybe not surprisingly—President Trump is backing off. Over the weekend, we saw two incredible examples of the President doing a 180 on China.

First, Axios reported that the President is on the verge of a deal that would have China accelerate its purchases of U.S. goods, in the name of reducing our trade deficit with China, in exchange for our dropping the 301 tariffs that have been proposed to stop China from stealing our intellectual property specifically.

Secondly and amazingly enough, when he finally took some strong action against China—his Commerce Department—the President backed off. He tweeted that he and President Xi are working together to give the massive Chinese phone company ZTE a way to get back into business fast because there had been "too many jobs in China lost." What about jobs in America, Mr. President? What about the millions of jobs that are lost because of what China has done?

The President was referring to the fact that ZTE had accepted a fine for selling its products in violation of U.S. sanctions against Iran and North Korea and could be further restricted by a pending FCC proposal to ban U.S. telecom companies that receive Federal funds from purchasing mobile equipment or services from companies like ZTE. Why? Because ZTE poses a national security threat to U.S. communication networks. This President, who prides himself on keeping us secure, is going to let ZTE continue to do this despite what the experts say?

Why on Earth would President Trump promise to help a Chinese telecom company that has flouted U.S. sanctions and whose trade practices are a risk to our national security? The thing that will move China most is taking tough action against actors like ZTE, but even before it is implemented the President backs off. Why on Earth

would the President retreat from cracking down on intellectual property theft—the thing China fears most, the thing that has hurt us the most and will hurt us even more in the future—losing millions, if not tens of millions, of American jobs in exchange for a few purchases of U.S. goods in the short term? That is a bad, lopsided deal if there ever was one. It would be like trading away your star player for the last-round draft pick. If President Trump makes that deal, President Xi of China will have made a fool of the President and will have shown that he does not know how to cut a deal.

President Trump bemoans “too many jobs in China lost.” What about American jobs? What about job losses associated with the theft of intellectual property from China and ZTE, in particular? What happened to “America First”? Being soft on trade puts China first. What happened to “Make America Great Again”? That is how the President campaigned. That is, in good part, how he got elected, but, once again, the President talks the talk but refuses—is unable, is afraid—to walk the walk, and, once again, a foreign leader could well be playing our President for a chump.

President Trump's latest about-face on trade policy will not make America great again; it will make China great again. The next generation of electric vehicles, telecom hardware, advanced aviation technology, and renewable energy should be made in America, not China. It will not happen if we allow China to continue to extort and steal our intellectual property and know-how, if we allow China to sell goods here at will but not allow us to sell our best products over there. Walking away from the negotiating table with anything less than an enforceable and verifiable commitment to protect our intellectual property would be a catastrophic failure and again show that President Xi has clearly outplayed President Trump. I pray that doesn't happen because we care about jobs for America.

OIL PRICES

Mr. President, finally, on oil prices, few things matter more to the average consumer than the price of a gallon of gasoline. When gas prices go through the roof, it eats away at a family's income, leaving less to cover the cost of everything else—groceries, medicines, tuition, summer vacation.

Recent data suggests that gas prices are about to spike this summer, the result of the actions and inactions of the Trump administration. As gas prices head toward \$3 a gallon, the U.S. Energy Information Administration estimates that the average family could expect to pay \$200 more this summer's driving season than last year.

Part of the reason is, President Trump triggered greater uncertainty and increased instability in the Middle East when he pulled out of the Iran deal and is about to levy additional sanctions on the oil-producing nation.

Another part of the reason is, OPEC has decided to cut oil production. President Trump has tweeted that OPEC's decision “will not be accepted.” We are waiting to see some action that will help America's motorists.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MORAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Scudder nomination?

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Utah (Mr. LEE), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—90

Alexander	Gardner	Perdue
Baldwin	Gillibrand	Peters
Barrasso	Grassley	Portman
Bennet	Harris	Reed
Blumenthal	Hassan	Risch
Booker	Hatch	Roberts
Boozman	Heinrich	Rounds
Brown	Heitkamp	Rubio
Burr	Hirono	Sanders
Cantwell	Hoeven	Sasse
Capito	Hyde-Smith	Schatz
Cardin	Inhofe	Schumer
Carper	Isakson	Scott
Casey	Johnson	Shaheen
Cassidy	Jones	Shelby
Collins	Kaine	Smith
Coons	Kennedy	Stabenow
Corker	King	Sullivan
Cornyn	Klobuchar	Tester
Cortez Masto	Leahy	Thune
Crapo	Markey	Tillis
Daines	McCaskill	Toomey
Donnelly	McConnell	Udall
Durbin	Menendez	Van Hollen
Enzi	Merkley	Warner
Ernst	Moran	Warren
Feinstein	Murkowski	Whitehouse
Fischer	Murphy	Wicker
Flake	Murray	Wyden
	Paul	Young

NOT VOTING—10

Blunt	Heller	McCain
Cruz	Lankford	Nelson
Duckworth	Lee	
Graham	Manchin	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senate will resume consideration of the follow nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Amy J. St. Eve, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the St. Eve nomination?

Mr. KAINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Utah (Mr. LEE), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 93 Ex.]

YEAS—91

Alexander	Feinstein	Merkley
Baldwin	Fischer	Moran
Barrasso	Flake	Murkowski
Bennet	Gardner	Murphy
Blumenthal	Gillibrand	Murray
Booker	Grassley	Nelson
Boozman	Harris	Paul
Brown	Hassan	Perdue
Burr	Hatch	Peters
Cantwell	Heinrich	Portman
Capito	Heitkamp	Reed
Cardin	Hirono	Risch
Carper	Hoeven	Roberts
Casey	Hyde-Smith	Rounds
Cassidy	Inhofe	Rubio
Collins	Isakson	Sanders
Coons	Johnson	Sasse
Corker	Jones	Schatz
Cornyn	Kaine	Schumer
Cortez Masto	Kennedy	Scott
Cotton	King	Shaheen
Crapo	Klobuchar	Shelby
Daines	Leahy	Smith
Donnelly	Markey	Stabenow
Durbin	McCaskill	Sullivan
Enzi	McConnell	Tester
Ernst	Menendez	Thune